

REMARKS

Reconsideration of this application and the rejection of claims 1-11, 13 and 15-22 are respectfully requested. Applicants have attempted to address every objection and ground for rejection in the Office Action dated April 17, 2007 (Paper No. 20070407) and believe the application is now in condition for allowance. The claims have been amended to more clearly describe the present invention.

Claims 1-2, 6-7, 13 and 15-21 stand rejected under 35 U.S.C. §102(b) as being anticipated by Flower (U.S. Pat. No. 3,520,300). Flower discloses a surgical sponge and suction device 20 having a tubular handle member 24 extending from a head member 22 having a lower perforated plate 28 secured thereto, the plate having a plurality of apertures 30. The plate 28 is attached to an absorbent member 32. (FIG. 2, Col. 2, ll. 11-24).

In contrast, amended claim 1 now includes features of cancelled claim 3 and recites, among other things, "... a sleeve extending outwardly away from the porous body and being connected to the outlet end, and a continuous channel extending through the sleeve, said second surface, and the first surface, respectively..." Claim 20 has been similarly amended. Applicants submit that as amended, claims 1 and 20 are patentably distinct from Flowers. Specifically, as recognized by the Examiner and as seen in FIG. 2, Flowers fails to disclose the claimed sleeve. Accordingly, Applicants respectfully traverse the rejection of claims 1-2, 6-7, 13 and 15-21 under 35 U.S.C. §102(b).

Claims 1-6, 13, 15 and 17-22 stand rejected under 35 U.S.C. §102(b) as being anticipated by Heaton et al. (WO 99/13793). Heaton discloses a suction head including a flange portion 30 having a side intended for contact with a patient's skin, where a series of projections 32 project from that side to provide fluid channels 33 between the projections. The suction head further includes a connector 35 located above an aperture 34 provided on the flange portion 30 and having a tubular end 36 adapted for receiving a catheter. (FIGs. 5-7; p. 7, ll. 14-25). A foam body or sponge 73 is attached to the projections 32. (FIG. 7).

In contrast, claims 1, 20 and 22 have been amended to include the features of canceled claim 16 and to recite, among other things, "...a filter arranged on the supply conduit for filtering said supply of gas flowing through the supply conduit..." Applicants submit that as amended, claims 1, 20 and 22 are patentably distinct from Heaton. Specifically, as recognized by the Examiner and as seen in FIGs. 7 and 8, Heaton fails to disclose the claimed filter. Accordingly, Applicants respectfully traverse the rejection of claims 1-6, 13, 15 and 17-22 under 35 U.S.C. §102(b).

Claims 1-2, 6, 13, 15 and 17-21 stand rejected under 35 U.S.C. §102(b) as being anticipated by Otis (U.S. Pat. No. 2,637,106). Otis discloses a saliva ejector having a suction nozzle 20 attached to a tube 10 and configured for being introduced into a patient's mouth. The nozzle 20 includes a plurality of slots 24 extending up from a bottom portion of the nozzle, and a pad 26 secured to the lowermost portion of the nozzle. The pad 26 is configured for resting against

the patient's mouth so that the nozzle 20 and slots 24 are not in direct contact with the tissue in the patient's mouth. During use, as saliva forms in the patient's mouth, it flows through the slots 24 and into the tube 10. (FIG. 1; Col. 3, ll. 33-44; Col. 4, ll. 2-12).

In contrast, amended claim 1 now includes features of cancelled claim 3 and recites, among other things, "...a filter arranged on the supply conduit for filtering said supply of gas flowing through the supply conduit; and an attachment member including a first surface, a second surface, a sleeve extending outwardly away from the porous body and being connected to the outlet end, and a continuous channel extending through the sleeve, said second surface, and the first surface, respectively..." Claim 20 has been similarly amended.

Applicants submit that as amended, claims 1 and 20 are patentably distinct from Otis. Specifically, as recognized by the Examiner, Otis fails to disclose a sleeve as recited in amended claims 1 and 20 (FIGs. 1 and 3). Also, Otis fails to disclose the filter recited in amended claims 1 and 20. Accordingly, Applicants respectfully traverse the rejection of claims 1-2, 6, 13, 15 and 17-21 under 35 U.S.C. §102(b).

Claims 8-11 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Flower or Heaton in view of Heimlich (U.S. Pat. No. 3,672,372). The arguments made above traversing Flower and Heaton are reasserted here. Heimlich discloses a catheter with a deformable wire stiffening means 36 to avoid kinking in the catheter.

Serial No.: 10/507,467

Office Action Date: April 17, 2007

Amendment Dated: July 17, 2007

Applicants submit that none of Flower or Heaton and Heimlich, either alone or in the discussed combination, disclose or suggest all of the features recited in amended claim 1, from which claims 8-11 depend. Specifically, neither Flower and Heimlich nor Heaton and Heimlich disclose or suggest a device including the filter and sleeve as recited in amended claim 1. Accordingly, Applicants respectfully traverse the rejection of claims 8-11 under 35 U.S.C. §103(a).

In view of the above amendments, the application is respectfully submitted to be in allowable form. Allowance of the rejected claims is respectfully requested. Should the Examiner discover there are remaining issues which may be resolved by a telephone interview, he is invited to contact Applicants' undersigned attorney at the telephone number listed below.

Respectfully submitted,

GREER, BURNS & CRAIN, LTD.

By 
Rebecca L. Pumphrey
Registration No. 53,713

Customer No. 24978

July 17, 2007

Suite 2500

300 S. Wacker Drive

Chicago, Illinois 60606-6501

Telephone: (312) 360-0080

Facsimile: (312) 360-9315